IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11545 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CTM TEXTILE MILLS

Versus

DIPAK MAGANLAL SHAH

Appearance:

1. Special Civil Application No. 11545 of 2001

MR PC MASTER for Petitioner No. 1

MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 06/08/2002

ORAL JUDGEMENT

Rule. Mr. T.R. Mishra, learned counsel for the respondent waives service of rule.

2. In this petition award passed by the Industrial Court, Ahmedabad in Appeal (I.C.) No. 37/1999 at Annexure-K is challenged by the petitioner. The petitioner has been directed by the Industrial Court to reinstate the respondent in the service on his original post and to pay 60% of the back wages. The award of the Industrial Court is dated 5/9/2001.

3. At the hearing of this petition both the parties have come to an amicable settlement. As per the settlement, the petitioner has agreed to pay a sum of Rs.82,000/- [Rupees eighty two thousand only] towards full and final settlement of all the monetary claims as well as claim for reinstatement in service that have arisen under the aforesaid proceedings. Mr. P.C. Master also makes a statement that the amount of Rs.82,000/- has been calculated as per the minimum wages. The respondent has agreed to accept the same. In light of this statement, the award in the aforesaid appeal is required to be modified in aforesaid terms.

4. The petitioner shall pay to the respondent a sum of Rs.82,000/- [Rupees eighty two thousand only] within four weeks from the date of this order. Upon such payment being made, all the monetary claims of the respondent and that of reinstatement arising under the aforesaid proceedings will stand satisfied. The petition is, therefore, partly allowed. Rule made absolute to the aforesaid extent with no order as to costs.

[Akshay H. Mehta, J.]

* Pansala.